

**UNITED STATES
PATENT AND TRADEMARK OFFICE**

uspto

**Patent Public Advisory Committee
Quarterly Meeting**

Legislative/Governmental Affairs Update

Dana Robert Colarulli
Director, Office of Governmental Affairs

May 4, 2017

UNITED STATES
PATENT AND TRADEMARK OFFICE



Legislative Bills on IP Systems / Structure

115th Congress (first session)

H.R. 1695, Register of Copyrights Selection and Accountability Act,

- Introduced by Reps. Goodlatte and Conyers on March 23, 2017
- Would make the Register of Copyrights a presidentially-appointed, Senate-confirmed position, limits the position to a 10-year term, and requires that the Register be capable of identifying and supervising a Chief Information Officer or similar official responsible for managing information technology systems.
- *Passed by the House on April 26, 2017.*

S. ____, Register of Copyrights Selection and Accountability Act,

- Introduced by Sens. Grassley, Feinstein, Leahy and Hatch on May 2, 2017
- Identical to H.R.1695
- *(Expected to be) Referred to Senate Rules Committee*

Legislative Bills on Pharmaceuticals

115th Congress (first session)

Preserve Access to Affordable Generics Act (S. 124)

- Re-introduced by Sen. Klobuchar (D-MN) on January 12, 2017; similar legislation introduced last Congress (S. 2019 (114th))
- Prohibits brand name drug companies from compensating generic drug companies to delay the entry of a generic drug into the market
- *Referred to the Senate Judiciary Committee*

Orphan Product Extensions Now Accelerating Cures and Treatments (OPEN) Act (H.R. 1223)

- Introduced by Congressman Bilirakis (R-FL) on February 27, 2017
- Amends the Federal Food, Drug, and Cosmetic Act to authorize an extension of exclusivity periods for certain drugs approved for a new indication for a rare disease or condition
- *Referred to House Energy and Commerce – Health Subcommittee*

Legislative Bills on Pharmaceuticals

115th Congress (first session)

Affordable and Safe Prescription Drug Importation Act (S. 469/H.R. 1245)

- Introduced in the Senate by Sen. Sanders (I-VT) and in the House by Congressman Cummings (D-MD) on February 28, 2017
- Amends the Federal Food, Drug, and Cosmetic Act to allow for the importation of affordable and safe drugs from specified countries by wholesale distributors, pharmacies, and individuals
- *Referred to the Senate Health, Education, Labor and Pensions Committee / House Energy and Commerce – Health Subcommittee*

Improving Access to Affordable Prescription Drugs Act (S. 771/H.R. 1776)

- Introduced in the Senate by Sen. Franken (D-MN) and in the House by Congresswoman Schakowsky (D-IL) on March 29, 2017
- Implements reforms to lower drug costs while increasing innovation and promoting transparency
- *Referred to Senate Finance Committee / House Energy and Commerce – Health Subcommittee, House Judiciary Committee and House Ways and Means Committee*

Legislative Bills on Pharmaceuticals

115th Congress (first session)

Creating and Restoring Equal Access to Equivalent Samples (CREATES) Act of 2017

(S. 974 / H.R. 2212)

- Introduced in the Senate by Sen. Leahy (D-VT) and in the House by Congressman Marino (R-PA) on April 27, 2017
- Targets abusive delay tactics involving sample-sharing and shared safety protocols that may be used to delay entry of affordable generic drugs.
- *Referred respectively to the Senate and House Judiciary Committees*

Other Legislation

115th Congress (first session)

Promoting Automotive Repair, Trade and Sales Act (S. 812/H.R. 1879)

- Re-introduced in the Senate by Sen. Hatch (R-UT) and the House by Congressman Issa (R-CA) on April 4, 2017; similar to legislation introduced in the previous Congress (S. 560 / H.R. 1057 - 114th)
- Amends title 35, United States Code, to limit the term of automotive design patents from 14 to 2.5 years on certain car collision repair parts.
- *Referred respectively to the Senate and House Judiciary Committees*

Patent for Humanity Program Improvement Act (S. 927)

- Re-introduced by Sen. Leahy (D-VT) on April 25, 2017; Bill identical to S. 1402 - 114th
- Allows acceleration certificates awarded under the Patents for Humanity Program to be transferable
- *Referred to the Senate Judiciary Committee*

Congressional Hearing Activity

115th Congress (first session)

Senate Judiciary Committee Hearing: **“Intellectual Property – Driver of Innovation: Making our Lives Healthier, Safer, and More Productive” (April 25, 2017)**

- The hearing explored how the U.S. IP system is supporting innovation and, in the process, helping to save lives, feed the world, and change the way we interact with technology.
- *Witnesses:*
 - Mr. Matthew C. Allen, Acting Assistant Director for the Intellectual Property Rights Center
 - Ms. Kary Eron, General Manager Health and Live Science, Data Center Group
 - Dr. Ashifi Gogo, Ph.D., CEO, Sproxil, Inc. (P4H Award winner – 2013)
 - Dr. Conor F. Madigan, Ph.D., Co-Founder, CEO and President of Kateeva, Inc.
 - Dr. Neal Gutterson, Ph.D., Vice President, Research & Development, DuPont Pioneer Hi-Bred International, Inc. (P4H Award winner – 2013)

Pending Executive Appointments

115th Congress (first session)

Office of the Intellectual Property Enforcement Coordinator

- President Trump nominated Vishal J. Amin
- Current role: Senior Counsel for House Judiciary Committee Chairman Bob Goodlatte (R-VA)

Congressional Events

115th Congress (first session)

World IP Day (April 26, 2017)

- USPTO partnered with the World Intellectual Property Organization, the American Intellectual Property Law Association, the International Trademark Association, and the Global Intellectual Property Center of the U.S. Chamber of Commerce to celebrate World IP Day.
 - Local events were held here at the Alexandria campus and on Capitol Hill in the Senate Hart Office Building
 - Capitol Hill Event included remarks from Chairman Goodlatte (R-VA), Senator Coons (D-DE), Congressman Issa (R-CA), Congressman Collins (R-GA) and Congressman Radcliffe (R-TX)
 - Speakers included Deputy Director General John Sandage, INTA President Joseph Ferretti, Chief IP Officer of Nike, Jeanine Hayes, and co-founder of GRIT (a 2015 Patents for Humanity winner) Mario Bollini



Questions and Comments

Dana Robert Colarulli

Director, Office of Governmental Affairs

(571) 272-7300

Dana.Colarulli@USPTO.GOV



The 115th Congress (2017-2018)

Changes in leadership of congressional committee relevant to IP

U.S. House of Representatives



Committee on the Judiciary

Bob Goodlatte (R-VA-6), Chairman

John Conyers (D-MI-13), Ranking Member

Subcommittee on Courts, Intellectual Property, and the Internet

Darrell Issa (R-CA-49), Chairman

Jerry Nadler (D-NY-10), Ranking Member

U.S. Senate



Committee on the Judiciary

Chuck Grassley (R-IA), Chairman

Diane Feinstein (D-CA), Ranking Member

USPTO's Office of Governmental Affairs: Overview

Structure: 10 Staff (mix of attorneys and non-attorneys)

Core Mission

**Represent USPTO
on Capitol Hill**

*(Advance PTO's
legislative agenda,
prepare testimony, brief
staff, provide technical
advice)*

**Respond to
Requests from
Members of
Congress and
Facilitate
Clearance**

*(constituent issues, clear
IP policy documents
within the
Administration)*

**Build
Relationships and
Maintain Goodwill
with Elected
Officials**

*(Support regional office
engagement, build
fed/state relationships &
stakeholder outreach)*

